<div align="center"><u>REMARKS</u></div>

Applicant respectfully requests consideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 43 and 45-62 are pending in the application, with claims 43, 50, and 58 being independent. Claim 44 has been canceled without prejudice to or disclaimer of the subject matter recited therein. Claims 43, 50-52, 58, and 61 have been amended. No new matter has been added.

Statement of Substance of Interview

Initially, Applicant wishes to thank the Examiner for conducting an interview with Applicants attorney, David A. Divine, on September 13, 2005. During the interview, each of the independent claims was discussed with respect to representative claim 43. Dependent claim 44 was also discussed.

During the interview, Applicant's attorney presented arguments along the lines of those set forth below in the section entitled "§ 103 Rejection." Specifically, Applicant's attorney maintained that the cited documents, whether taken alone or in combination, lack at least the feature of "randomly retrieving a plurality of blocks of data from a computer-readable media, wherein at least one block of data includes data not contained in a given content," as recited in independent claim 43.

Also discussed at the interview were several proposed amendments to the claims, to expedite allowance of the application. The Examiner requested that the proposed amendments be presented in writing in the response to the Office Action.

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§ 103 Rejection

Claims 43-62 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,367,019 B1 (Ansell et al.) in view of U.S. Patent No. 5,745,678 (Herzberg et al.). This rejection is respectfully traversed. Nevertheless, without conceding the propriety of the rejection, independent claim 43 has been amended to recite features along the lines of dependent claim 44. Accordingly, claim 44 has been canceled, thereby rendering moot the rejection of that claim.

Independent claim 43 as presently presented recites, among other things, randomly retrieving a plurality of blocks of data from a computer-readable media, wherein at least one block of data includes data not contained in a given content, and allowing access to a functionally equivalent version of the given content, which is smaller than the original version, if the digest values match a subset of the verification data.

The Ansell et al. patent lacks such features. Ansell et al. is directed to copy security for portable music players, and discloses a system that "restricts playback of the [secure portable track] to the specific external players and ensures that playback is only from the original storage medium" (col. 2, lines 10-12). Ansell et al. discloses that "player 110 (FIG. 1) forms a digest of the storage key, e.g., read-only key 504A (FIG. 5), to produce storage key identification data" (col. 7, lines 49-51). According to column 8, lines 19-28 of Ansell et al.:

> player logic 502A (FIG. 5) retrieves read-only serial number 204 from storage media 202 and media identification data from media identification field 402 (FIG. 4) and compares read-only serial number 204 to the media identification data. If read-only serial number 204 and the media identification data are not equivalent, player logic 502A (FIG. 5) aborts playback of SPT 116. Accordingly, simple copying of SPT 116 from storage medium 202 to another storage media renders SPT 116 unplayable.

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However, as acknowledged in the sentence spanning pages 3 and 4 of the Office Action, Ansell et al. fails to disclose or suggest "randomly retrieving a plurality of blocks of data from a computer-readable media, wherein at least one block of data includes data not contained in a given content," as recited in independent claim 43. The Office Action asserts that this feature is taught by Herzberg et al. Applicant respectfully disagrees as discussed in detail below.

In addition, contrary to the assertion in the Office Action, Ansell et al. fails to disclose or suggest "allowing access to a functionally equivalent version of the given content, which is smaller than the original version, if the digest values match a subset of the verification data," as also presently recited in independent claim 43. The Office Action asserts that at least part of this feature is disclosed at column 11, lines 10-55 of Ansell et al. However, this portion of Ansell et al. merely discloses that "tracks 112 can have restrictions placed upon them" and that "restriction types can include, for example, the number of times SPT 116 can be played back, an expiration time beyond which SPT 116 cannot be played back, a number of storage media such as storage medium 202 (FIG. 2) on which SPT 116 can be fixed, and the number of devices to which SPT 116 can be bound." Thus, there is no disclosure or suggestion in Ansell et al. of allowing access to a smaller version of the given content, if the digest values match a subset of the verification data, as presently recited in independent claim 43.

Herzberg et al. fails to remedy the deficiencies in the Ansell et al. patent noted above with respect to independent claim 43 (assuming, for the sake of argument, that the documents can even be combined). Herzberg et al. describes a system for detecting authorized multimedia programs, which includes "creat[ing] a validation structure for

validating a multimedia program," "embed[ding] the validation structure in the multimedia program," and determining "whether the multimedia program is an authorized multimedia program" using the validation structure (col. 1, lines 52-60).

Herzberg et al. goes on to describe at column 1, line 61 through column 2, line 14, that:

> sections of the program (hereinafter called data objects) are selected and a cryptographic hash value is created or calculated on each of the selected data objects. The cryptographic hash value and the location of the selected data object are stored as a data record within the validation structure ....
>
> Determining whether a multimedia program is an authorized multimedia program is accomplished by selecting a subset of the data objects within the multimedia program and validating the selected data objects using the validation structure stored in the multimedia program. This includes the steps of randomly selecting a portion of the data objects *from among a defined set of data records* listed in the validation structure, reading the selected data objects from the multimedia program using location information stored in the validation structure, and validating the selected data objects using validation information stored in the validation structure.
>
> (*Emphasis added.*)

That is, Herzberg et al. teaches pre-selecting sections of a program for use in the validating structure and randomly selecting data objects only from the pre-selected sections of the program specified in the validation structure.

Thus, the selected data objects of Herzberg et al. cannot be said to be "randomly retriev[ed] ... from a computer-readable media, wherein at least one block of data includes data not contained in a given content," as recited in independent claim 43. Nor does Herzberg et al. teach or suggest "allowing access to a functionally equivalent version of the given content, which is smaller than the original version, if the digest

values match a subset of the verification data," as also presently recited in independent claim 43.

Thus, even if, for the sake of argument, the teachings of Herzberg et al. can be used to modify the system of Ansell et al., the combination would still lack at least the foregoing features of Applicant's independent claim 43.

Independent claims 50 and 58 recite features similar to those of claim 43 discussed above and are, therefore, allowable for at least substantially the same reasons as claim 43.

Dependent claims 45-49, 51-57, and 59-62 depend from one of claims 43, 50, and 58 and are allowable by virtue of this dependency, as well as for the additional features that they recite.

In particular, **dependent claims 45 and 59** respectively recite "allowing access to related material if the digest values match a subset of the verification data" and that "the verification module is further adapted to control access to related material if the calculated digest values match a subset of the known valid digest values." The cited documents fail to disclose or suggest such features. The Office Action asserts that these features are taught by Ansell et al. at column 11, lines 10-55. However, as noted above, this section of Ansell et al. merely discloses that "tracks 112 can have restrictions placed upon them," including restrictions on "the number of times SPT 116 can be played back, an expiration time beyond which SPT 116 cannot be played back, a number of storage media such as storage medium 202 (FIG. 2) on which SPT 116 can be fixed, and the number of devices to which SPT 116 can be bound." Thus, this portion of Ansell et al. has nothing to do with allowing access to related material, as recited in claims 45 and 59. For this additional reason, claims 45 and 59 are allowable over the cited documents.

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Dependent claim 47 recites "wherein the processes of randomly retrieving a plurality of blocks of data, generating digest values, comparing each of the digest values and determining that the computer-readable media contains an original version are performed when a watermark is embedded in the functionally equivalent version of the given content." The cited documents fail to disclose or suggest such features. The Office Action asserts that these features are taught by Herzberg et al. at col. 1, lines 50-67. However, there is no mention of a watermark anywhere in the Herzberg et al. patent. For this additional reason, claim 47 is allowable over the cited documents.

Dependent claim 52 recites "wherein controlling access to a functionally equivalent version of a given content comprises launching a requested application program if the calculated digest values match a subset of the associated verification digest values." The cited documents fail to disclose or suggest such features. The Office Action asserts that these features are taught by Ansell et al. at column 12, lines 56-67 and column 11, lines 45-67. However, this portion of Ansell et al. relates to copying and playing a secure portable track (SPT), and has noting to do with launching an application program, as recited in claim 52. For this additional reason, claim 52 is allowable over the cited documents.

Conclusion

For at least the foregoing reasons, claims 43 and 45-62 are allowable over the prior art of record. If any issue remains unresolved that would prevent allowance of this case, **the Examiner is requested to contact the undersigned attorney to resolve the issue**.

Respectfully Submitted,

Date: 10/18/05

By: _David A. Divine_
Lee & Hayes, pllc
Reg. No. 51,275
(509) 324-9256 ext. 233